

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DANA D. JACKSON,

Case No. 19-CV-2350 (ECT/SER)

Plaintiff,

v.

REPORT AND RECOMMENDATION

GRAND CANYON UNIVERSITY
ACADEMIC STANDARDS and
CHRISTAL ABRON,

Defendants.

This matter comes before the Court on Plaintiff Dana D. Jackson’s Motion to Dismiss GCU Claim, ECF No. 7 (Motion). While this action has two defendants, and the Motion’s title refers to a “GCU Claim” only, the Motion’s single sentence states that Jackson wishes “to dismiss civil action no:19cv02350 without prejudice.” *Id.* at 1. The Court thus construes the Motion as seeking to dismiss this entire action.

Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff “may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” The Court construes the Motion as a Rule 41(a)(1)(A)(i) notice of dismissal, and neither Defendant has served an answer or a summary-judgment motion. As a result, though an order dismissing the action is not technically necessary—Rule 41(a)(1)(A)(i) speaks of dismissal occurring “without a court order”—this Court, to avoid any possible confusion, recommends the dismissal of this action without prejudice. The Court further recommends that Jackson’s

pending Application to Proceed in District Court Without Prepaying Fees or Costs, ECF No. 2, and Motion for Summons, ECF No. 4, be denied as moot.

SO RECOMMENDED.

Dated: October 25, 2019

s/David T. Schultz
David T. Schultz
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).